REMARKS/ARGUMENTS

Claims 1 to 11 remain pending in the application. Claim 1 has been amended. For the Examiner's convenience, a marked up version of amended claim 1 and a clean version of amended claim 1 are presented below:

Claim 1 (marked up)

1.(currently amended) A mobile device for executing at least two applications, having a keyboard, the mobile device comprising:

an input mode selector for receiving, from one of the at least two applications, a signal indicative of a default active input mode ~~upon~~ in response to execution of the one of the at least two applications and for determining an active input mode of the keyboard in accordance with the received signal indicative of the default active input mode; and

a backlight controller responsive to the active input mode provided by the input mode selector for controlling at least one light source to selectively illuminate an active portion of the keyboard.

Claim 1 (clean version)

1. A mobile device for executing at least two applications, having a keyboard, the mobile device comprising:

an input mode selector for receiving, from one of the at least two applications, a signal indicative of a default active input mode in response to execution of the one of the at least two applications and for determining an active input mode of the keyboard in accordance with the received signal indicative of the default active input mode; and

a backlight controller responsive to the active input mode provided by the input mode selector for controlling at least one light source to selectively illuminate an active portion of the keyboard.

Claim 1 has been amended in order to amplify the description of some of the features of the present invention. In particular, amended claim 1 now specifies that the input mode selector receives the signal indicative of the default active input mode *from one of the at least two applications*. This signal is received in response to execution of the application.

Applicant submits that the amendment to claim 1 is fully supported by the specification as filed, which describes in paragraphs [0014], [0020] and [0025] that the determination made by the input mode selector is performed in response to the application executed by the mobile device and a perferred active mode or default mode set by the application being executed. This determination of a default active input mode does not require input by the user.

Applicant also points out that amended claim 1 maintains the feature that the input mode selector determines an active input mode of the keyboard in accordance with the received signal indicative of the default active input mode. This feature outlines the fact that user intervention or actuation of a mode selector is not required for the input mode selector of the present invention to determine the active input mode of the keyboard, which is a default active input mode associated with execution of the particular application. While claim 2 deals with a particular embodiment involving actuation by the user, claim 1 outlines the determination of a default active input mode in response to the signal received from the application and not requiring user actuation.

The Examiner rejected claims 1 to 3, 5, 7 and 9 to 11 under 35 U.S.C.102(e) as being anticipated by Higginson, U.S. Patent No. 6,703,963.

As mentioned in previous arguments, the Higginson patent refers to a universal keyboard having controls 10 for selecting the functional mode of operation of the keyboard 1. These functional mode controls are selected by the user and actuation of these controls defines the mode of operation according to Higginson. While the association between a domain level value and a particular key can be pre-determined by the operation of the software associated with each functional mode, column 4, lines 42 to 45 of Higginson specify *"the functional mode screen 12 indicates which functional modes are activated upon actuating the functional mode control 10 associated with each screen 12."* This is further supported in column 4, lines 54 to 61 which state:

> *"located on the keyboard 1 is a set of functionality controlling scrolls (e.g. buttons) 26a and 26b for systematic display of the available functionalities that can be selected by the user of the keyboard 1. Actuating functionality scrolling control 26a, the list of keyboard functionalities scrolls such that alternative functionalities are displayed on the functional mode screens 12 and can be selected by actuating the appropriate functional mode control 10."*

Refering to the discussion of Figure 6 upon which the Examiner relies, column 9, lines 11 to 17 of Higginson states: *"upon actuating the functionality scrolling control 26a, the* *available functionalities of the keyboard are scrolled to display four previously undisplayed functionalities choices. As described in connection with Figures 5A to E, selection of a functionality will then allow the keyboard user to select the desired domain level within a particular functionality."*

The above passage from Higginson indicates that the electronic components located beneath the functionality scrolling control 26a do not receive a signal from one of the at least two applications, as specified in amended claim 1. All discussion of receiving a signal indicative of an active input mode in the Higginson reference is related to actuation of a button by a user, and do not relate to receiving a signal indicative of a *default* active input mode of one of the applications, the signal being received *from the application*.

Moreover the Applicant submits that column 9, lines 17 to 22 of Higginson,teach away from the claimed invention. This passage reads as follows: *"as shown in Figure 6, because no keyboard functionality has been selected, there are no domain levels to be selected by the user. Therefore, the domain controls have been generically labelled as "LEV1" , "LEV2" , "LEV3" and "LEV4" to indicate four different domain levels."* There is no default active input mode in Higginson. If there was a default active input mode, there would be real domain levels to be selected by the user. The Higginson reference clearly teaches that in the absence of a user selection of an input mode, there is no default mode the active input mode in response to execution of one of the applications. This teaches away from the claimed invention.

Applicant submits in light of the arguments and amendments described above, that amended claim 1 is clearly not anticipated by the Higginson reference as it fails to teach or even suggest that the input mode selector receives from one of the applications a signal indicative of a default active input mode in response to execution of that application. The Higginson reference, in fact, teaches away from having a default active input mode by specifying that in the absense of actuation of a mode selector by a user, there are no real options to be selected, only placeholder options that do not represent real items to be selected. Moreover, the Higginson reference does not teach automatically determining an active input mode of the keyboard in accordance with the received signal indicative of the default active input mode, since the signal is not received from one of the applications and there is no default active input mode in the Higginson reference.

The Examiner also rejected claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over Higginson in view of Muurinen, U.S. Patent No. 5,408,060, and rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Higginson in view of Applicant's admitted prior art.

Applicant has already discussed the Higginson reference and reiterates that discussion relating to this objection. With respect to the Muurinen reference, this reference discloses keys that are operable in at least two different modes, with each key being provided with symbols or areas of colour which denote the different modes. These symbols or areas are selectively illuminated depending upon which mode is selected. Column 3, lines 10 and 11 of the Muurinen reference state: *"The mode of operation is changed with the push button 16 (FCN)."* This teaches away from the claimed invention which automatically determines an active input mode of the keyboard in accordance with a received signal indicative of the default active input mode, the received signal being received from one of the at least two applications. Column 4, lines 46 to 51 of Muurinen also describe changing the mode of operation using the function key 16 and do not suggest any other way of changing the input mode.

In terms of the obviousness objections, with respect the Official Action simply fails to establish a prima facia case of obviousness. For the Examiner to establish a prima facia case of obviousness, three criteria must be considered: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art references must teach or suggest all of the claim limitations. MPEP sections 706.02(j), 2142(8th ed.). Applicant submits that the Examiner has failed to establish this case for obviousness, especially in light of the currently amended claims.

In terms of the specific objections raised in terms of the Higginson and Muurinen references, the Applicant reiterates arguments previously presented in earlier prosecution of this application. Currently amended claim 1 is neither anticipated nor obvious in light of the cited references. Claims 2 to 11 are all dependent on currently amended claim 1 and include all of its features and limitations. Therefore, by virtue of inclusion of those limitations, Applicant submits that claims 2 to 11 are also patentable in view of the cited references.

Applicant submits that neither Higginson nor Muurinen teach or suggest, either alone or in combination, the invention as claimed in the present invention and that there is no suggestion or motivation in the cited references to combine them.

Accordingly, Applicant respectfully requests that the rejections of claims 1 to 11 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn.

Applicant submits that the application is now in condition for allowance and earnestly solicits action to that end.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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